

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

1. BILLIE COLLINS, individually,
2. SONYA COLLINS, individually

Plaintiffs,

vs.

3. KAMALJIT SINGH, individually,
4. FAST CARGO TRANS INC.

Defendants.

No. CIV-22-530-JD

Oklahoma County Case No.
CJ-2022-1174

NOTICE OF REMOVAL

Defendants Kamaljit Singh and Fast Cargo Trans Inc. (“Defendants”) give notice that this case has been removed to the United States District Court for the Western District of Oklahoma under 28 U.S.C. §§ 1332, 1441, and 1446.

I. Introduction

Plaintiffs filed their Petition in the District Court of Oklahoma County, Oklahoma on March 15, 2022, styled *Billie Collins, individually, Sonya Collins, individually v. Kamaljit Singh, individually, and Fast Cargo Trans Inc.*, Case No. CJ-2022-1174 (Ex. 1, State Court Petition). Plaintiff demands judgment against all defendants for actual and punitive damages in excess of the amount required for diversity jurisdiction under 28 U.S.C. § 1332. *Id.*, at pp. 1-2. This case therefore meets the jurisdictional amount for removal as required by 28 U.S.C. § 1332(b).

This lawsuit arises out of a motor vehicle accident that occurred in Oklahoma City, Oklahoma, on February 4, 2022. According to the accident report and upon information and belief, Plaintiffs are husband and wife and are residents and citizens of Oklahoma. Accident report, Ex .2, p. 1. All of the Defendants are citizens and residents of states other than Oklahoma. Ex. 3, Affidavit of service on Kamaljit Singh; Ex. 4, Affidavit of service on Fast Cargo Trans Inc. Plaintiffs served Defendant Kamaljit Singh through his wife on April 2, 2022, by personal service at his residence in Kansas. Ex. 3. Defendant Fast Cargo Trans Inc., was served by personal service at its corporate office in California on May 25, 202. Ex. 4. There is complete diversity between the Plaintiffs and Defendants.

II. Procedural History

This action is being removed within 30 days of service of Fast Cargo Trans Inc. as required by 28 U.S.C. § 1446 and *Murphy Brothers, Inc. v. Michetti Pipe Stringing, Inc.*, 529 U.S. 344, 119 S. Ct. 1322, 143 L. Ed. 2d 448 (1999).

III. Jurisdiction

Defendants have the right to remove, and this Court has jurisdiction under 28 U.S.C. §§ 1332 and 1441. There is complete diversity between the Plaintiffs and all Defendants, and the amount in controversy exceeds \$75,000.00, exclusive of interest and costs.

The United States Supreme Court has held that, for diversity purposes, a corporation's "principal place of business" "is best read as referring to the place where a corporation's officers direct, control, and coordinate the corporation's activities," sometimes called its "nerve center." *Hertz Corp. v. Friend*, 559 U.S. 77, 92-93, 130 S. Ct. 1181, 1192, 175 L. Ed. 2d 1029 (2010). "And in practice it should normally be the place

where the corporation maintains its headquarters-provided that the headquarters is the actual center of direction, control, and coordination, i.e., the ‘nerve center’” *Id.*

The headquarters and “nerve center” of Fast Cargo Trans Inc. is in California, where it is incorporated and has its principal place of business. Kamaljit Singh is a resident and citizen of Kansas. There is complete diversity among the parties as of the date the State Court Petition was filed. The Court therefore has jurisdiction under 28 U.S.C. § 1441(b).

IV. Conclusion

This action is properly removed pursuant to 28 U.S.C. § 1441. A copy of this Notice of Removal is being served this date on Plaintiffs’ counsel of record. A copy of this Notice of Removal will be filed with the Clerk of the District Court of Oklahoma County. A copy of the docket sheet in the Oklahoma County District Court case is attached hereto. (Ex. 5, Docket Sheet). Copies of documents filed or served upon Defendants in the state court action are made part of this Notice (Ex. 6). All Defendants therefore remove this case to the United States District Court for the Western District of Oklahoma.

DATED: June 23, 2022

Respectfully submitted,

/s/Nathaniel G. Parrilli

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CERTIFICATE OF SERVICE

I certify that a true and correct copy of the above and foregoing was sent this 24th day of June, 2022, to the following counsel of record:

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